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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,320	05/04/2006	Nir Ellenbogen	31884	5570
7590 Martin D Moynihan PRTSI Inc PO Box 16446 Arlington, VA 22215		01/30/2008	EXAMINER HASAN, MOHAMMED A	
			ART UNIT 2873	PAPER NUMBER
			MAIL DATE 01/30/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/578,320	Applicant(s) ELLENBOGEN, NIR	
	Examiner Mohammed Hasan	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-45 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 36-45 is/are allowed.
- 6) ☒ Claim(s) 26-35 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Oath/Declaration

1. Oath and declaration filed on 5/4/2006 is accepted.

Drawings

2. The drawings are objected to because some of the drawings are shadow. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The abstract of the disclosure is objected to because "abstract" should be less than 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 26-35 are rejected under 35 U.S.C. 101 because The term "process" as defined in 35 USC 100 means process, art or method and includes a new use of known process, machine , manufacture, composition of mater or material. For example , a mere arrangement of printed matter though seemingly a "manufacture" is rejected as not being with the statutory classes SEE In re Miller 418 F.2d 1392,164 USPQ 46 (CCPA 1969).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polat et al (6,876,758 B1).

Regarding claim 26, Polat et al discloses (refer to figures 1 and 2) a method of improving the visual perception ability of a person with respect to a particular eye condition of at least one eye, comprising: in at least one evaluation session of an evaluation phase, displaying to the person a plurality of images (100) selected to test the visual perception ability of the person with respect to at least one visual defect, and to elicit responses from the person indicative of the level of the person's visual perception ability with respect to said at least one visual defect; utilizing said responses to select another plurality of images designed to treat the person with respect to a detected visual defect and thereby to improve the visual perception ability of the person with respect to the detected visual defect; and in a treatment phase, applying to said at least one eye of the person, training glasses with reduced refraction for the respective eye. (Column 4, lines 30-65).

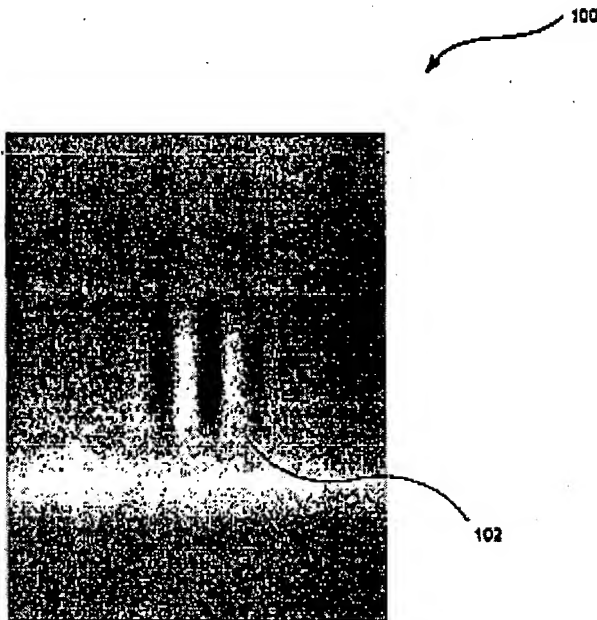
Polat et al discloses all of the claimed limitations except displaying to the person another plurality of images in at least one treatment session until the visual perception ability of the person has been improved with respect to detected visual defect.

Polat et al discloses (refer to figures 3-8) detected visual defect improve and display images at least one treatment session.

It would have been obvious to one of ordinary skill in the art at the time invention was made to provide visual defect improve with the treatment session in to the a method improving the visual perception ability for the purpose of proper identification of visual and neurological abilities related to the condition of the neurological component of

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the brain, such as visual perception abilities as taught by Polat et al discloses (column 2, lines 25-30).



Regarding claim 27, Polat et al discloses , wherein said treatment phase includes a plurality of treatment sessions in each of which are displayed to the person a plurality of images designed to elicit responses to be used for selecting the plurality of images (100) in a subsequent treatment session such as to progressively improve the visual perception ability of the person with respect to the detected visual defect (as shown in figure 1).

Regarding claim 28, Polat et al discloses the refraction of the training glasses is increased, decreased, or remains the same for the next treatment session as determined in order to progressively improve the visual perception ability of the person with respect to the detected visual defect (as shown in figures 1-3).

Regarding claim 29, Polat et al discloses, wherein the eye to which the training glasses are applied may change, left, right or both eyes, as determined, in order to progressively improve the visual perception ability of the person with respect to the detected visual defect (as shown in figures 1-3).

Regarding claim 30, Polat et al discloses wherein at least one predetermined parameter of the plurality of images displayed in one treatment session is varied in the subsequent treatment session (as shown in figure 3).

Regarding claim 31, Polat et al discloses wherein each of said treatment sessions includes a plurality of visual perception tasks in each of which there is displayed to the person at least one image including stimuli designed to elicit a response useful for selecting at least one other image to be displayed in the subsequent visual perception task of the respective treatment session such as to progressively improve the visual perception ability of the person with respect to the detected defect (as shown in figures 1-3).

Regarding claim 32, Polat et al discloses, wherein after at least one treatment session, the refraction of the training glasses is increased, decreased, or remains the same for the next treatment session as determined in order to progressively improve

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the visual perception ability of the person with respect to the detected visual defect (as shown in figure 3).

Regarding claim 33, Polat et al discloses, which the training glasses are applied may change, left, right or both eyes, as determined, in order to progressively improve the visual perception ability of the person with respect to the detected visual defect (as shown in figures 1-3).

Regarding claim 34, Polat et al discloses, wherein said visual perception tasks in at least some of said sessions in the treatment phase include spatial frequency changes in which the spatial frequency of the stimuli is changed (as shown in figures 1-3).

Regarding claim 35, Polat et al discloses wherein the spatial frequency is changed starting with lower spatial frequencies and progressively moving to higher spatial frequencies (as shown in figures 1-4).

Allowable Subject Matter

6. Claims 36-45 are allowed.

7. The following is an examiner's statement of reasons for allowance: The prior art taken either singularly or in a combination fails to anticipate or fairly suggest the limitations of the independent claims, in such a manner that rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in independent claim 36, which include in an evaluation phase,

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before training glasses have been applied to the person, the processor controls display device to display to the person a plurality of images selected to test the visual perception ability of the person with respect to at least one visual defect, and utilizes responses inputted by the person via input device to select another plurality of images designed to improve the visual perception ability of the person with respect to a detected visual defect; and in treatment phase, after training glasses have been applied to the person, the processor controls display device to display to the person another plurality of images to thereby improve the visual perception ability of the person with respect to detected visual defect.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The closest prior art Harris (4,950,167) discloses visual detail perception test kit and method of use it.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammed Hasan whose telephone number is (571) 272-2331. The examiner can normally be reached on M-TH, 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky L Mack can be reached on (571) 272- 2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M. Hasan

/Mohammed Hasan/

Examiner, Art Unit 2873